## IN THE UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

ROBERT M. MUMMA, II, : CIVIL NO. 1:CV-08-1965

Plaintiff

BOBALI CORPORATION; KIM COMPANY; and PENNSYLVANIA SUPPLY COMPANY,

V.

Defendants

## MEMORANDUM and ORDER

The background for this order is as follows: On March 18, 2009, the court issued a memorandum and order in the captioned case granting in part and denying in part Plaintiff's request for access to the corporate records of the three Defendant corporations.<sup>1</sup> (Doc. 49.) That order denied Plaintiff's request for access to the records of the Pennsylvania Supply Company and the Bobali Corporation, but granted Plaintiff access to certain records of the Kim Company. The court's March 18, 2009 order stayed part of its order pending receipt by the court of certain additional information by Plaintiff. On March 23, 2009, the court issued an order lifting that stay. (Doc. 52.)

On April 9, 2009, Plaintiff filed a motion to compel compliance with the court's orders based on his belief that Defendants were being dilatory in not producing the corporate records of the Kim Company. (Doc. 57.) Defendants responded to Plaintiff's motion on April 13, 2009. In their response, Defendants aver that they had already produced 501 pages of documents, and have "committed to producing the remainder of the responsive documents by the end of [April 2009]."

<sup>&</sup>lt;sup>1</sup>The court's memorandum and order was dated March 18, 2009, but it was not docketed until March 19, 2009. (*See* Doc. 49.)

(Doc. 59,  $\P$  2.) Plaintiff's reply brief was due on April 30, 2009, but no reply was filed making this motion ripe for consideration.

Significant time has now passed since the filing of this motion and the court is not heard anything further from Plaintiff about whether Defendants have complied with the court's orders. Given this silence and the filings by both parties that have occurred since then, the court will assume that Defendants have either fully complied with the courts orders or that the parties have reached an agreement concerning a time-frame for Defendants to comply. There fore, the court will deny Plaintiff's motion without prejudice.

In light of the foregoing, **IT IS HEREBY ORDERED THAT**Plaintiff's motion to compel compliance with the court's March 18, 2009 and March 23, 2009 orders, (Doc. 57), is **DENIED** without prejudice for Plaintiff to re-file the motion if Defendants still have not complied and/or there is no agreement between the parties concerning a time-frame for Defendants to comply.

s/Sylvia H. Rambo
United States District Judge

Dated: June 12, 2009.